

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor J. Alexander Marchosky
Serial No. 10/729082
Filed 12/05/2003
Confirmation No. 8835
For RECORD SYSTEM
Examiner Hiep Van Nguyen

Art Unit 3686

May 4, 2010

REQUEST FOR RECONSIDERATION

TO THE COMMISSIONER FOR PATENTS,

SIR:

The following remarks are responsive to the Office action mailed February 4, 2010.

35 U.S.C. § 103 - Claims 1-4, 8-11, and 15-19

Applicant requests reconsideration of the rejection of claims 1-4, 8-11, and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication 2001/0041991 (Segel) in view of US Patent 5,772,585 (Lavin). According to the Office action, Segal "teaches a medical records system comprising: a central computer connected to a global computer network having a medical records database thereon, said database containing individual medical records of a plurality of patients, each of said records, corresponding to one patient of said plurality of patients." (Office action dated Feb. 4, 2010, pages 2-3.)(Citations omitted.) The Declaration filed with Amendment A shows that applicant recognized:

[T]he amount of information . . . is massive . . . [requiring] enormous technical resources. . . . The financial viability could be enhanced by also providing an electronic storage service to [health care providers]. . . . Providing the computer-modem equipment to each [health care provider] on a flat rental [would] reduce overhead for the [health care providers]" (Exhibit A of Declaration filed Oct. 7, 2009, page 6.)

Exhibit A also proves applicant envisioned that "each individual [has] his/her own folio." These statements clearly show that applicant conceived of "a medical records system